

Introduced by Senator Ortiz

January 20, 2005

An act to amend Section 101317 of, and to add Sections 100106 and 101029 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 104, as introduced, Ortiz. Bioterrorism

Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various health and safety requirements.

This bill would make an order of a local health officer enforceable immediately by certain state or local peace officers.

Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for public health preparedness and response to bioterrorist attacks and other public health emergencies, pursuant to a federally approved plan.

Existing law also provides that federal funding received by the State Department of Health Services for bioterrorism preparedness and emergency response is subject to appropriation in the annual Budget Act commencing with the 2003–04 fiscal year.

This bill would deem moneys made available in the 2004–05 Budget Act for bioterrorism preparedness available for expenditure and encumbrance until August 30, 2006.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 100106 is added to the Health and Safety Code, to read:

100106. An order of the director is enforceable immediately by state or local peace officers, as defined in Sections 830.1 and 830.2 of the Penal Code.

SEC. 2. Section 101029 is added to the Health and Safety Code, to read:

101029. An order of a local health officer is enforceable immediately by state or local peace officers, as defined in Sections 830.1 and 830.2 of the Penal Code.

SEC. 3. Section 101317 of the Health and Safety Code is amended to read:

101317. (a) For purposes of this article, allocations shall be made to the administrative bodies of qualifying local health jurisdictions described as public health administrative organizations in Section 101185, and pursuant to Section 101315, in the following manner:

(1) (A) For the 2003–04 fiscal year and subsequent fiscal years, to the administrative bodies of each local health jurisdiction, a basic allotment of one hundred thousand dollars (\$100,000), subject to the availability of funds appropriated in the annual Budget Act or some other act.

(B) For the 2002–03 fiscal year, the basic allotment of one hundred thousand dollars (\$100,000) shall be reduced by the amount of federal funding allocated as part of a basic allotment for the purposes of this article to local health jurisdictions in the 2001–02 fiscal year.

(2) (A) Except as provided in subdivision (c), after determining the amount allowed for the basic allotment as provided in paragraph (1), the balance of the annual appropriation for purposes of this article, if any, shall be allotted on a per capita basis to the administrative bodies of each local health jurisdiction in the proportion that the population of that local health jurisdiction bears to the population of all eligible local health jurisdictions of the state.

(B) The population estimates used for the calculation of the per capita allotment pursuant to subparagraph (A) shall be based on the Department of Finance’s E-1 Report, “City/County

1 Populations Estimates with Annual Percentage Changes” as of
2 January 1 of the previous year. However, if within a local health
3 jurisdiction there are one or more city health jurisdictions, the
4 local health jurisdiction shall subtract the population of the city
5 or cities from the local health jurisdiction total population for
6 purposes of calculating the per capita total.

7 (b) If the amounts appropriated are insufficient to fully fund
8 the allocations specified in subdivision (a), the department shall
9 prorate and adjust each local health jurisdiction’s allocation so
10 that the total amount allocated equals the amount appropriated.

11 (c) For the 2002–03 fiscal year and subsequent fiscal years,
12 where the federally approved collaborative state-local plan
13 identifies an allocation method, other than the basic allotment
14 and per capita method described in subdivision (a), for specific
15 funding to a local public health jurisdiction, including, but not
16 limited to, funding laboratory training, chemical and nuclear
17 terrorism preparedness, smallpox preparedness, and information
18 technology approaches, that funding shall be paid to the
19 administrative bodies of those local health jurisdictions in
20 accordance with the federally approved collaborative state-local
21 plan for bioterrorism preparedness and other public health threats
22 in the state.

23 (d) Funds appropriated pursuant to the annual Budget Act or
24 some other act for allocation to local health jurisdictions pursuant
25 to this article shall be disbursed quarterly to local health
26 jurisdictions beginning July 1, 2002, using the following process:

27 (1) Each fiscal year, upon the submission of an application for
28 funding by the administrative body of a local health jurisdiction,
29 the department shall make the first quarterly payment to each
30 eligible local health jurisdiction. Initially, that application shall
31 include a plan and budget for the local program that is in
32 accordance with the department’s plans and priorities for
33 bioterrorism preparedness and response, and other public health
34 threats and emergencies, and a certification by the chairperson of
35 the board of supervisors or the mayor of a city with a local health
36 department that the funds received pursuant to this article will
37 not be used to supplant other funding sources in violation of
38 subdivision (d) of Section 101315. In subsequent years, the
39 department shall develop a streamlined process for continuation

1 of funding that will address new federal requirements and will
2 assure the continuity of local plan activities.

3 (2) The department shall establish procedures and a format for
4 the submission of the local health jurisdiction's plan and budget.
5 The local health jurisdiction's plan shall be consistent with the
6 department's plans and priorities for bioterrorism preparedness
7 and response and other public health threats and emergencies in
8 accordance with requirements specified in the department's
9 federal grant award. Payments to local health jurisdictions
10 beyond the first quarter shall be contingent upon the approval of
11 the department of the local health jurisdiction's plan and the local
12 health jurisdiction's progress in implementing the provisions of
13 the local health jurisdiction's plan, as determined by the
14 department.

15 (3) If a local health jurisdiction does not apply or submits a
16 noncompliant application for its allocation, those funds provided
17 under this article may be redistributed according to subdivision
18 (a) to the remaining local health jurisdictions.

19 (e) Funds shall be used for activities to improve and enhance
20 local health jurisdictions' preparedness for and response to
21 bioterrorism and other public health threats and emergencies, and
22 for any other purposes, as determined by the department, that are
23 consistent with the purposes for which the funds were
24 appropriated.

25 (f) Any local health jurisdiction that receives funds pursuant to
26 this article shall deposit them in a special local public health
27 preparedness trust fund established solely for this purpose before
28 transferring or expending the funds for any of the uses allowed
29 pursuant to this article. The interest earned on moneys in the fund
30 shall accrue to the benefit of the fund and shall be expended for
31 the same purposes as other moneys in the fund.

32 (g) (1) A local health jurisdiction that receives funding
33 pursuant to this article shall submit reports that display cost data
34 and the activities funded by moneys deposited in its local public
35 health preparedness trust fund to the department on a regular
36 basis in a form and according to procedures prescribed by the
37 department.

38 (2) The department, in consultation with local health
39 jurisdictions, shall develop required content for the reports
40 required under paragraph (1), which shall include, but shall not

1 be limited to, data and information needed to implement this
2 article and to satisfy federal reporting requirements. The
3 chairperson of the board of supervisors or the mayor of a city
4 with a local health department shall certify the accuracy of the
5 reports and that the moneys appropriated for the purposes of this
6 article have not been used to supplant other funding sources.

7 (h) The administrative body of a local health jurisdiction may
8 enter into a contract with the department and the department may
9 enter into a contract with that local health jurisdiction for the
10 department to administer all or a portion of the moneys allocated
11 to the local health jurisdiction pursuant to this article. The
12 department may use funds retained on behalf of a local
13 jurisdiction pursuant to this subdivision solely for the purposes of
14 administering the jurisdiction's bioterrorism preparedness
15 activities. The funds appropriated pursuant to this article and
16 retained by the department pursuant to this subdivision are
17 available for expenditure and encumbrance for the purposes of
18 support or local assistance.

19 (i) The department may recoup from a local health jurisdiction
20 any moneys allocated pursuant to this article that are unspent or
21 that are not expended for purposes specified in subdivision (d).
22 The department may also recoup funds expended by a local
23 health jurisdiction in violation of subdivision (d) of Section
24 101315. The department may withhold quarterly payments of
25 moneys to a local health jurisdiction if the local health
26 jurisdiction is not in compliance with this article or the terms of
27 that local health jurisdiction's plan as approved by the
28 department. Before any funds are recouped or withheld from a
29 local health jurisdiction, the department shall meet with local
30 health officials to discuss the status of the unspent moneys or the
31 disputed use of the funds, or both.

32 (j) Notwithstanding any other provision of law, moneys made
33 available for bioterrorism preparedness pursuant to this article in
34 the 2001–02 fiscal year shall be available for expenditure and
35 encumbrance until June 30, 2003. Moneys made available for
36 bioterrorism preparedness pursuant to this article from July 1,
37 2002, to August 30, 2003, inclusive, shall be available for
38 expenditure and encumbrance until August 30, 2004. Moneys
39 made available in the 2003–04 Budget Act for bioterrorism
40 preparedness shall be available for expenditure and encumbrance

- 1 until August 30, 2005. *Moneys made available in the 2004-05*
- 2 *Budget Act for bioterrorism preparedness shall be available for*
- 3 *expenditure and encumbrance until August 30, 2006.*